

## NOTICE OF LAW

**Non-emergency use of emergency vehicle lights and sirens is a felony. An emergency is by the courts defined as "a sudden, unexpected, or impending situation, involving injury, loss of life, damage to property, or catastrophic interference with normal activities, that requires immediate attention and remedial action.**

"State Police Power extends only to immediate threats to public safety, health, welfare, etc.," Michigan v. Duke; "The police power of the state must be exercised in subordination to the provisions of the U.S. Constitution." (Bacahanan vs. Wanley, 245 US 60 (); Panhandle Eastern Pipeline Co. vs. State Highway Commission, 294 US 613 ()). "The Constitution is the supreme law of the land ordained and established by the people. All legislation must conform to the principles it lays down. (United States v. Butler, 297 U.S. 1, 56 S.Ct. 312, 102 A.L.R. 914 (1935))

"Federal Law and Supreme Court Cases apply to State Court Cases." (Griffin v. Mathews, 310 Supp. 341, 423 F. 2d 272; Hagans v. Lavine, 415 U.S. 528; Howlett v. Rose, 496 U.S. 356 (1990)). "Every State law must conform in the first place to the Constitution of the United States, and then to the subordinate constitutions of the particular state; and if it infringes upon the provisions of either, it is so far void." (Houston v. Moore, 18 US 1, 5 L.Ed 19 (1840)).

"Reasonable Cause or Probable Suspicion that a suspect has, or is about to commit a crime involving a victim, injury, or damage to persons or property is required to stop, detain, question, or demand Identification from a motorist. "Pretextual traffic stops are a violation of the 4th Amendment." U.S. v. Eldridge, 984 F2d 943 (1993).

"For a crime to exist, there must be an [actual or intended] injured party (Corpus Delicti).

Sherer v. Cullen 481 F. 945. A Crime is defined as "That act intended to cause injury to a person or property."

The Supreme court has held that "Without Corpus delicti there can be no crime"

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"Traffic infractions are not a crime." People v. Battle, 50 Cal. App. 3,step 1, 123 Cal.Rptr. 636,639.

"[S]peeding & running a red light are NOT a breach of the peace [unless immediate reckless endangerment of another actual person present is witnessed]." Perkins v. Texas, 812 S.W. 2d 326, 329.

An American does not have to speak with a government agent, unless the agent can demonstrate probable cause or reasonable suspicion for the stop. "Officer's questions must relate to the purpose of the stop, or detention of driver is unreasonable." - U.S. v. Barahona, 990 F2d (1993)

"Detention must be based on specific, articulable facts (SAF) and rational inferences [pertaining to the suspected commission of a crime involving a victim or property damage]. Unparticularized suspicion

and inarticulate hunches alone are not good enough. A valid investigative stop must be based on "reasonable articulable suspicion" (RAS) (U.S. v. Briggman, 931 F2d705 (1991)),

**REASONABLE SUSPICION.** This means that police suspect that you are about to commit a crime involving a victim or damage to property. Reasonable suspicion is the standard that permits police to stop you.

**PROBABLE CAUSE.** This means that it is more likely than not that a crime involving a victim or damage to property has already been committed. Police require probable cause to make an arrest. When a Police officer stops you, you are under arrest. At which point you have a right to remain silent. The officer will lie to you and tell you that you are not under arrest, and begin a discovery process not permitted by law.

"An Illegal arrest is assault and battery, and a citizen has the same right to use force in defending themselves as they would if repelling any other assault and battery." (State v. Robinson 72 alt 2d 262 (1950)); "[O]fficer who uses excessive force acts in bad faith and may be resisted. (U.S. v. Span, 970 F2d 573 (1992)) "All persons are bound, without contract, to abstain from injuring the person or property of another, or infringing on any of his or her rights." Cal Civil Code, Sec. 1708.

"If police falsely arrest you without Probable Cause [acting outside their authority as delegated by law], they have no qualified immunity and are liable for damages in their private person." (Malley v. Briggs, 475 US 335 (1986)).

## **RESPONSE TO OFFICERS REQUEST FOR NAME AND IDENTIFICATION**

"The right to privacy includes an "individual interest in avoiding disclosure of personal matters." (Whalen v. Roe, 429 US 589 (1977)); "The makers of the Constitution conferred, as against the government, the Right to be let alone; the most comprehensive of rights, and the right most valued by civilized men."

(United States Supreme Court Justice Brandeis in Olmstead v. United States (1928)) - An American has a right to privacy and to be left alone.

"You may refuse to provide the police I.D. or information." (U.S. V. Brown, 731 F2d 1491 (1984)) 'You may verbally challenge the officer's actions and ask for his ID.' (Gainor v. Roberts, 973 F2d 1379 (1992))

"An information charging the driving of a motor vehicle upon a public highway without a driver's license charges no offense, as there is no such license as a driver's license known to the law." (Keith Brooks v. State, 158 Tex. Crim. 546; 258 S.W. 2D 317).

"information alleging that the defendant operated a motor vehicle upon a highway without a "driver's license" was held insufficient to charge an offense since driver's license is not known to law." (W. Lee Hassell v. The State, 149 Tex. Crim. 333; 194 S.W. 2D 400).

'You may not be arrested solely to ascertain your identity.' (Arrington v. McDonald, 808 F2d 466 (1988))

## SEARCH AND SEIZURE

Even if your vehicle is stopped legitimately, the police may not search it without probable cause (or your consent). (**U.S. v. Wanless**, 882 F2d 1459 (1989))

'Refusing consent for search is not basis for RAS, or Probable Cause to search, or impound vehicle.' (**U.S. v. Manuel**, 992 F2d 272, (1993)); 'Government must prove alleged consent to search, and that consent was given freely and voluntarily.' (**U.S. v. Villareal**, 963 F2d 770 (1992)); Waiver of rights must be knowing and voluntary (not under threat and duress). (**White v. White**, 925 F2d 287 (1991))

"[A] political subdivision of this state may not require an owner of a motor vehicle to register the vehicle..." (Registration By Political Subdivision Prohibited -Texas Trans Code § 502.003); "[A] vehicle for which a certificate of title has been issued but that is not required to be registered, is not subject to inspection." (Vehicles Not Subject To Inspection -Texas Trans Code § 548.052).

Only those motorists in commerce, being the transportation of persons or property for profit [Taxi, Limo, tractor trailer] are required to register, insure, or license.

"The right of a citizen to use the highways, including the streets of the city or town, for travel & to transport his goods is an inherent right which cannot be taken from him."  
(**Davis v. City of Houston** (Tex. Civ. App., 1924), 264 S.W. 625, 629). "The right of the citizen to travel upon the public highways and to transport his property thereon, either by carriage or by automobile, is not a mere privilege which a city may prohibit or permit at will, but a common right which he has under the right to life, liberty, and the pursuit of happiness."- (**Thompson v Smith** 154 SE 579).

"A state may not impose a charge for the enjoyment of a right granted by Federal constitution."  
(**Murdock vs Pennsylvania** 319 US 105 at 113 (1943)). Requiring licensing or registration of any constitutional right is itself unconstitutional. (**Follett vs. Town of McCormick**, S.C., 321 U.S. 573 (1944)); 'Should any state convert a secured liberty right into a privilege, charge a fee and issue a license for it, one may ignore the license and fee and engage in the exercise of the right with impunity.' (**Shuttlesworth vs City of Birmingham** 373 U.S. 262 (1962))

...Willful violators of constitutional requirements, which have been defined, certainly are in no position to say that they had no adequate advance notice that they would be visited with punishment. When they act willfully in the sense in which we use the word, they act in open defiance or in reckless disregard of a constitutional requirement, which has been made specific & definite. When they are convicted for so acting, they are not punished for violating an unknowable something." **Screws v. U.S.**, 325 U.S. 91 1945; Police supervisors are liable if they authorize or approve unconstitutional conduct of offending officers. -**White v. Farrier**, 849 F2d 322, (1988)

The Fourth Amendment reads: "***The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.***"